

11-26-01

Alplant

PLANT PATENT APPLICATION TRANSMITTAL
(For new Non-provisional applications under 37 CFR 1.53(b))

Attorney Docket No.: P1688USA
 First Named Inventor: Andres Smaal
 Title: Kalanchoe Plant Named Patty
 Express Mail Label No. ET 289 782 709 US

11/19/01
 J1041 U.S. PTO
 09/993406
 10/61/11

Box PATENT APPLICATION
 Commissioner For Patents
 Washington, D.C. 20231

Sir:

Transmitted herewith for filing is a new plant patent application of inventor(s): Andres Smaal and entitled: **Kalanchoe Plant Named Patty**. For purposes of publication, this patent application is assigned to: A.B. BREEDING BV

Application Elements:

1. ☐ Applicant claims small entity status. See 37 CFR 1.163(b).
2. ☒ Specification containing 8 pages (2 copies required (37 CFR §1.163(b) - in accordance with the preferred arrangement).
3. ☒ Drawings: 1 Sheet of Color Drawing(s) (2 copies required - 37 CFR §1.165(b))
4. ☒ Oath or Declaration
 - a. ☒ An executed declaration or oath for the plant patent application including a power of attorney,
 - b. ☐ An unexecuted declaration or oath for the plant patent application including a power of attorney;
 - c. ☐ Copy from a prior application (37 CFR 1.63(d), for continuation/divisional with No. 15 completed.
 - i. ☐ Signed statement attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b).
5. ☐ Application Data Sheet.
6. ☒ Assignment Papers (cover sheet, document(s) and requisite fee).
7. ☐ 37 CFR 3.73(b) Statement (where there is an assignee)
☐ Power of Attorney
8. ☐ English Translation document (if applicable)
9. ☐ Information Disclosure Statement (IDS), including PTO-1449
☐ Copies of IDS Citations

10. ☐ Preliminary Amendment
11. ☒ Return Postcard for PTO Mail Room Date Stamp (should be specifically itemized).
12. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed).
13. ☐ Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
14. ☐ Other _____

NOTE: Please state the Latin name and variety denomination of the plant claimed in a separate section of the specification.

15. ☐ **If Continuing Application**, check appropriate box and supply the requisite information below and in a preliminary amendment:
- ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. _____, filed _____.
- Prior application information: Examiner: _____ Group/Art Unit: _____

For CONTINUATION or DIVISIONAL Applications only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4c, is considered as being part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

Fee Calculation

16. ☒ A check in the amount ☒ \$510.00 for a Large Entity, or ☐ \$255.00 for a Small Entity, to cover the filing fee, is enclosed.
17. ☐ Please charge my Deposit Account No. 07-0181 in the amount of \$ _____.
18. ☒ The Commissioner is authorized to charge payment of the following amounts associated with this communication or credit any overpayment to Deposit Account No. 07-0181:
- ☒ Additional filing fees under 37 CFR 1.16 or deficiencies in remittances therefor.
- ☒ Additional processing fees under 37 CFR 1.17 or deficiencies in remittances therefor.
- ☐ **ONLY if applicant has partially paid** the patent issue fee under 37 C.F.R. §1.18, then the **deficiency** shall be charged to Deposit Account No. 07-0181, and the Commissioner is authorized to so charge the Deposit Account.

19. **Correspondence Address:** GARDNER, CARTON & DOUGLAS
321 North Clark Street
Suite 3400
Chicago, Illinois 60610
Telephone: (312) 644-3000
Facsimile: (312) 644-3381

Customer Number (08968)
and/or Bar Code Label:



08968

PATENT TRADEMARK OFFICE

Attorney:

Lisa V. Mueller
Reg. No. 38,978

Date: November 19, 2001

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this Plant Patent Application Transmittal, enclosed application, and any other documents referred to as enclosed herein, are being deposited in an envelope with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and addressed to Box PATENT APPLICATION, Commissioner for Patents, Washington, D.C. 20231.

Express Mail Label No.: ET 289 782 709 US

Date of Deposit: November 19, 2001

Typed/Printed Name of Person Signing: Carol E. Arellano

Signature:

CH02/22158085.1

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

Complete if Known

TOTAL AMOUNT OF PAYMENT (\$) 550

Application Number

Filing Date

First Named Inventor

Andres Smaal

Examiner Name

Group / Art Unit

Attorney Docket No.

P1688USA

METHOD OF PAYMENT (check one)

1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to.

Deposit
Account
Number

07-0181

Deposit
Account
Name

GARDNER, CARTON & DOUGLAS

☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17☐ Applicant claims small entity status
See 37 CFR 1.272. ☒ Payment Enclosed.☐ Check☐ Credit card☐ Money
Order☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|------------------------|----------|
| 101 | 710 | 201 | 355 | Utility filing fee | |
| 106 | 320 | 206 | 160 | Design filing fee | |
| 107 | 490 | 207 | 245 | Plant filing fee | 510 |
| 108 | 710 | 208 | 355 | Reissue filing fee | |
| 114 | 150 | 214 | 75 | Provisional filing fee | |

SUBTOTAL (1)

(\$ 510)

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid | |
|-----------------------|-----------------|-------------------|-------------|-----|
| -20** | = 0 | X | = 0 | |
| Independent Claims | -3** | = 0 | X | = 0 |
| Multiple Dependent | | X | = 0 | |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|--|----------|
| 103 | 18 | 203 | 9 | Claims in excess of 20 | |
| 102 | 80 | 202 | 40 | Independent claims in excess of 3 | |
| 104 | 270 | 204 | 135 | Multiple dependent claim, if not paid | |
| 109 | 80 | 209 | 40 | ** Reissue independent claims over original patent | |
| 110 | 18 | 210 | 9 | ** Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2)

(\$ 0)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|--|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 390 | 216 | 195 | Extension for reply within second month | |
| 117 | 890 | 217 | 445 | Extension for reply within third month | |
| 118 | 1,390 | 218 | 695 | Extension for reply within fourth month | |
| 128 | 1,890 | 228 | 945 | Extension for reply within fifth month | |
| 119 | 310 | 219 | 155 | Notice of Appeal | |
| 120 | 310 | 220 | 155 | Filing a brief in support of an appeal | |
| 121 | 270 | 221 | 135 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,240 | 241 | 620 | Petition to revive - unintentional | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | |
| 143 | 440 | 243 | 220 | Design issue fee | |
| 144 | 600 | 244 | 300 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 240 | 126 | 240 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | 40 00 |
| 146 | 710 | 246 | 355 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 710 | 249 | 355 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 710 | 279 | 355 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 40)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Lisa V. Mueller

Registration No. Attorney/Agent)

38,978

Telephone

312-644-3000

Signature

Date

November 19, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

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| | | |
|--|-------------------------------|--------------|
| CHANGE OF CORRESPONDENCE ADDRESS <i>Application</i> Address to: Assistant Commissioner for Patents Washington, D.C. 20231 | Application Number | |
| | Filing Date | |
| | First Named Inventor | Andres Smaal |
| | Art Unit | |
| | Examiner Name | |
| | Attorney Docket Number | P1688USA |

Please change the Correspondence Address for the above-identified application to:

☐

Customer Number

Type Customer Number here



OR

☐Firm or
Individual Name

Lisa V. Mueller - Gardner, Carton & Douglas

Address

321 N. Clark Street, Suite 3400

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ZIP

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312-644-3381

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the :

☐

Applicant/Inventor.

☐

Assignee of record of the entire interest.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒

Attorney or Agent of record.

☐

Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Typed or Printed
Name

Lisa V. Mueller, Reg. No. 38,978

Signature

Date

November 19, 2001

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 1 forms are submitted.

Burden Hour Statement This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

EXPRESS MAILING CERTIFICATE
UNDER 37 C.F.R. § 1.10

ET 289 782 709 US
"Express Mail" Mailing Number

November 19, 2001
Date of Deposit

I hereby certify this patent application and its enclosures are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above, addressed to:

Commissioner for Patents
Box: PATENT APPLICATIONS
Washington, D.C. 20231

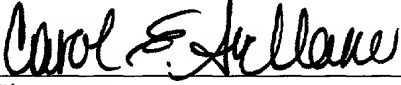
The following documents are included:

1. Plant Patent Application Transmittal Letter (3 pg.)
2. Fee sheet (in duplicate)
3. Specification in duplicate (8 pgs.)
4. Color Drawing Sheet in duplicate (1 pg.)
5. Declaration and Power of Attorney (2 pgs.)
6. Patent Recordation Form Cover Sheet (1 pg.)
7. Assignment document (2 pgs.)
8. Change of Correspondence Address (1 pg.)
9. Check No. 328803 in the amount of \$550.00 (1 pg.)
10. A return postcard

For: KALANCHOE PLANT NAMED PATTY

Our Reference No: P1688USA

Carol E. Arellano
Typed name of person mailing this
Certificate of Mailing


Signature